

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
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Gangtok

Thursday 13th April, 2023

No. 160

**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
TASHILING, GANGTOK – 737102**

No. 17/Home/2023

Dated: 13/04/2023

NOTIFICATION

In exercise of powers conferred by sub-section (1) of section 26 of the Sikkim Anti Drugs Act, 2006 (2 of 2006), the State Government is hereby pleased to constitute a committee and lay down the procedures and guidelines for disposal of the seized controlled substances which are as under:

1. The composition of the Drugs Disposal Committees are as under:

- (1) The High Level Drugs Disposal Committee at the Police Headquarters shall consist of the following officers namely;
 - a) Inspector General of Police, Crime Branch-CID, PHQ;
 - b) Deputy Inspector General of Police/Range (Concerned);
 - c) Deputy Inspector General of Police/ Superintendent of Police, Crime Branch-CID, PHQ;
 - d) Commissioner, Excise Department;
 - e) Additional Secretary, Home Department;
 - f) State Controller of Drugs, Health & Family Welfare Department.
- (2) The District Level Drugs Disposal Committee shall consist of the following members;
 - a) District Superintendent of Police; (Chairman)
 - b) Sub Divisional Magistrate (Headquarters);
 - c) Deputy Superintendent of Police (HQ)/ Sub Divisional Police Officer;
 - d) District Drugs Inspector, Health & Family Welfare Department.

The District Level Drugs Disposal Committee shall send its recommendations to the High Level Drugs Disposal Committee if the consignments are larger in quantity or of higher value.

2. **The Functions of the Drugs Disposal Committee shall be to-**
 - (1) meet as frequently as possible and necessary;
 - (2) conduct a detailed review of seized items pending disposal;
 - (3) order disposal of seized items and
 - (4) advise the respective investigation officers or supervisory officers on the steps to be initiated for expeditious disposal.
 3. **Procedure to be followed by the Drugs Disposal Committee with regard to disposal of seized items -**
 - (1) The officer-in-charge of godown shall prepare an inventory of the seized controlled substances/ psychotropic substances that have been certified under the Act and submit to the Chairman of the Drugs Disposal Committee. The inventory shall be prepared as per the format provided at **ANNEXURE-I**.
 - (2) After examining the inventory and satisfying that the requirements of the Act has been fully complied with, the members of the concerned Drugs Disposal Committee shall endorse necessary certificates to this effect and thereafter, the Committee shall physically examine and verify the weight and other details of each of the seized items with reference to the seized report, report of chemical analysis and any other documents and record its findings in each case.
 4. **Intimation to High Level Drugs Disposal Committee:** The District Drugs Disposal Committee shall intimate the High Level Drugs Disposal Committee regarding the programme of destruction at least fifteen days in advance so that an officer may be deputed for conducting checks and to oversee the disposal of the seized drugs.
 5. **Manner of disposal:** Where any controlled substance and psychotropic substances has been seized and forwarded to the officer-in-charge of the nearest police station or to the officer empowered under the Act or if its is seized by such an officer himself, he shall prepare an inventory of such controlled drugs or controlled substances and apply to the Magistrate within thirty days from the date of receipt of chemical analysis report of seized drugs or controlled substances for the purpose of sub section (2) of section 26 of the Act. The application shall be filed as per format provided at **ANNEXURE-II**.
- After the Magistrate allows the application, a certificate shall be issued by the Magistrate as per format provided at **ANNEXURE-III**.
6. **Mode of Disposal of drugs:** (1) The seized drugs shall be disposed of by incineration in incinerators fitted with appropriate air pollution control devices, which comply with emission standards and such incineration may only be done in places approved by the State Pollution Control Board or where adequate facilities and security arrangements exists.
 - (2) In order to ensure that such incineration may not be a health hazard or polluting, consent of the State Pollution Control Board, as the case may be obtained, and the destruction shall be carried out in the presence of the Members of the Drugs Disposal Committee.
 7. **Certificate of destruction:** A certificate of destruction (in triplicate) containing all the relevant data like godown entry number, gross and new weight of the items seized, etc.

shall be prepared and signed by the Chairman and the Members of the drugs disposal committee and the original copy shall be retained by the godown incharge after making necessary entries to this effect, the duplicate to be retained in the seizure case file and the triplicate copy shall be kept by the Drugs Disposal Committee. The certificate of destruction of drugs shall be issued as per format provided at **ANNEXURE-IV**.

8. **Communication to State Government:** Details of disposal of controlled substances and psychotrohic substances shall be reported to the State Government through the Director General of Police.

By order and in the name of the Governor,

**V.B. Pathak, IAS
Chief Secretary
Government of Sikkim
File No. 193/GOS/POL/DIGP-GTK/RANGE/2022**

ANNEXURE-I

INVENTORY OF SEIZED CONTROLLED SUBSTANCES AND NARCOTICS DRUGS AND CONVEYANCES.

- a. Case No: _____
- b. Seizing agency: _____
- c. Seizing officer: _____
- d. Date of seizure: _____
- e. Place of seizure: _____
- f. Name and designation of the officer preparing the inventory: _____

TABLE

SI No.	Controlled Substances/ Psychotrohic Substances	Quality	Quantity	Mode of packing	Marks and numbers	Other identifying particulars of seized items and packing	Country of origin	Remarks

Signature, name and designation of the officer.

Certificate by the Magistrate under sub-section 2 of section 26 of the Sikkim Anti Drugs Act, 2006.

Whereas, the above officer applied to me under sub section 2 of section 26 of the Sikkim Anti Drugs Act, 2006 to certify the above inventory, and Magistrate to whom an application is made is required to allow the application as soon as may be, I, having been satisfied that the above inventory is as per the seizure documents and the consignments of seized goods related to the case presented before me, certify the correctness of the above inventory.

Signature, name and designation of the Magistrate.

ANNEXURE-II

Application for disposal of seized controlled substances under sub section 2 of section 26 of the Sikkim Anti Drugs Act, 2006.

(Application to be made by the officer-in-charge of a police station or an officer empowered and who has the custody of the seized controlled substance and narcotic drugs)

Subject:- Application For Certification Of Correctness Of Inventory, Photographs And Samples Of Seized Narcotics Drugs, Psychotropic Substances, Controlled Substances And Conveyances.

1. As required under sub-section 2 of section 26 of the Sikkim Anti Drugs Act, 2006, I submit the enclosed inventory of seized narcotic drugs, psychotropic substances, controlled substances, and/or conveyances and request you to-
 - (a) certify the correctness of the inventory;
 - (b) permit taking, in your presence, photographs of the seized items in the inventory and certify such photographs as true; and
 - (c) allow drawing of representative samples in your presence and certify the correctness of the list of samples so drawn.
2. I request you to allow this application under sub section 2 of section 26 of the Sikkim Anti Drugs Act, 2006 so that the seized controlled substances can thereafter be disposed retaining the certificate, photographs and samples as primary evidence.

Yours faithfully,

Signature, name and designation of the officer

ANNEXURE-III

**CERTIFICATE BY THE MAGISTRATE UNDER SUB-SECTION (2) OF SECTION 26 OF
THE Sikkim Anti Drugs Act, 2006.**

I, allow the above application under sub-section 2 of section 26 of the Sikkim Anti Drugs Act, 2006 and hereby, certify the correctness of the enclosed inventory, the enclosed photographs taken and the list of samples drawn in my presence.

Signature, name and designation of Magistrate.

ANNEXURE-IV

CERTIFICATE OF DESTRUCTION

This is to certify that the following narcotic drugs, psychotropic substances and controlled substances, were destroyed in our presence.

1. Case No: _____
2. Narcotic Drug/Psychotropic Substance/Controlled Substance: _____
3. Seizing agency: _____
4. Seizing officer: _____
5. Date of seizure: _____
6. Place of seizure: _____
7. Godown entry number: _____
8. Gross weight of the drugs seized: _____
9. Net weight of the narcotic drugs, Psychotropic Substance/Controlled Substance destroyed (after taking samples etc.) _____
10. Where and how destroyed: _____

Signature(s), name(s) and designation(s) of Chairman/Members of the Drugs Disposal Committee

